



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/054,864

04/03/1998

CRAIG R. FRINK

AO521/7145(P

3189

7590

05/10/2002

PETER J GORDON  
WOLF GREENFIELD AND SACKS  
600 ATLANTIC AVENUE  
BOSTON, MA 022102211

EXAMINER
----------

TRAN, HAI V

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/054,864

Applicant(s)

FRINK ET AL.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-4 and 9-16 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Election/Restrictions***

During a telephone conversation with Peter Gordon on 05/02/2002 a provisional election was made without traverse to prosecute the invention of species, claims 5-8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-4 and 9-16 withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether "another video processing device" is different or the same from "the other video processing device".

The following art rejection is applied to applicant's claims as best understood in view of the 112 2<sup>nd</sup> paragraph rejection above.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamilton et al. (US 5799150).

Regarding claim 5, Hamilton discloses a video processing system (Fig. 2), comprising:

A first video processing device 40 (Server) comprising

A memory 56;

An input 60 for receiving request packets from another video processing device 50 (Client) indicating the other video processing device 50 (Client) is capable of receiving data (Col. 9, lines 23-38); and

An output for sending 60, in response to a request packet, data packet from the source to the other video processing device 50 (Client) when data is available from the source (Col. 9, lines 48-56).

Regarding "wherein a request/data packet includes a stream identifier", it's notoriously well known in the data communication art that within a basic DMA packet format there exist a Stream ID. Hence, Hamilton communication protocol as described in Fig. 6 and 7 (Col. 7, lines 39-Col. 8, lines 63) clearly encompasses the limitation of "a request packet includes a stream identifier". Furthermore, Hamilton discloses "a stream identifier indicating a source for reading data from the memory in the video processing device" (an indication of a media file to be accessed; Col. 9, lines 25-26).

Regarding claim 6, Halmilton shows a data packet further includes a boundary signal portion containing a boundary signal indicative of an end of a data sample in the data packet (Fig. 6, element 78).

Regarding claim 7, Hamilton further discloses a request packet includes a request signal portion containing a request signal from the other video processing device (Client) indicating a request for transfer of an amount of valid data (Col. 9, lines 25-38).

Regarding claim 8, Hamilton further discloses means for permitting transfer of data through the output in an amount less than or equal to the amount of valid data indicated in the request packet and for holding data in an amount greater than the

Art Unit: 2611

amount of valid data indicated in the request packet (Col. 9, lines 23-36 and Col. 10, lines 10-30).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fennell et al. (US 5287550) shows a simulcast scheduler.

Bagley et al. (US 5737535) shows a flow control circuit for networked communications system including arrangement for reducing overhead at the beginning of a communications session by enabling message transmission before receiving flow control information.

Sudama et al. (US 4791566) shows a terminal device session management protocol.

Yanagihara et al. (US 6233393) shows an apparatus for transmitting data in isochronous and asynchronous manners, an apparatus for receiving the same, and a system and method for such transmitting and receiving of such data.

Art Unit: 2611

**Contact Fax Information**

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or Faxed to:** (703) 872-9314  
(for informal or draft communications, please label "PROPOSED" or  
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).


**Contact Information**

**Any inquiry concerning this communication or earlier communications  
from the examiner should be directed to Hai Tran whose telephone number is  
(703) 308-7372. The examiner can normally be reached on Monday through  
Friday from 8:30 AM to 5:00 PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number  
for the organization where this application or proceeding is assigned is (703) 872-9314

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the receptionist whose telephone number is (703) 306-  
0377

HT:ht  
5/3/02

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600